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SUBJECT: ATTORNEY GENERAL ANNOUNCES INVESTIGATION AGAINST  
CARACAS DAILY

Classified By: POLITICAL COUNSELOR ABELARDO A. ARIAS 1.4 (d)

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SUMMARY  
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1. (C) Attorney General Isaias Rodriguez announced the launch of a criminal investigation against Caracas daily El Universal July 27. The Attorney General called the paper's July 25 editorial entitled "Justice Kneels Down" "a journalistic plot taken from the next chapter in the CIA's Manual of Coup-Plotting." In his announcement, Rodriguez assumed El Universal's guilt before the investigation had even begun, stating that the editorial "presumably defamed the Public Ministry and the Judicial Branch." He also alleged that Juan Martin Echeverria, a well-known Venezuelan defense lawyer and member of the paper's editorial board, was using the paper to defend his clients "in the press and not the court." El Universal said the Attorney General's investigation was a political attempt to discredit Echeverria. More importantly, the Attorney General's effort to criminalize opinion pieces will undoubtedly have a chilling effect on press freedom. End Summary.

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Justice Kneels Down  
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2. (U) Leading Caracas daily El Universal published an editorial July 25 entitled "Justice Kneels Down," which ran as a side-bar on the paper's front page and was not attributed. The editorial said judicial impunity was costing the Attorney General and the courts their legitimacy and cited a study by Venezuelan NGO Cofavic highlighting the need for justice based on facts and not politics. El Universal closed the piece with an appeal for a "professional, autonomous and objective" judiciary. The paper's informal translation of the piece follows:

Subordinating justice to ideology and depriving it of autonomy and effectiveness is like a train running off the rails. The Attorney General Office and courts are increasingly losing legitimacy.

News focus on crime, guerrilla, paramilitary and widespread insecurity. However, the criminal issue should be the central piece, as convictions are in short supply and impunity prevails.

In this connection, human rights NGO Cofavic director analyzed specific modus operandi that shows abnormalities in security corps and justice administration. This is a serious warning because any and all Venezuelans are at high risk.

As stated by Cofavic, a politically biased and ineffective criminal system and lack of a criminal policy to prevent and reduce crime in a scientific, reasonable way, result in growing insecurity.

Criminal justice should be professional and go along with prevention, investigation, interdiction and indictment. Justice affects directly society. For this reason, government remarks and biased statistics result in a feeling of insecurity.

Most guidelines and social control procedures need to be revised. Reasonable anti-poverty efforts with the involvement of all social, economic and political sectors should take absolute priority. It is not an exclusive fight, but of the whole nation.

There is need to work closely with domestic and foreign experts, keep the police decentralization schedule, upgrade local coordination mechanisms and strengthen justice by making it professional, autonomous and objective. This is the citizens' highest desire.

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13. (U) Rodriguez claimed El Universal's editorial was part of a journalistic plot to weaken Venezuelan institutions taken

from the next chapter of the CIA's alleged "Manual of Coup-Plotting." "What is it they want," Rodriguez asked, "to intimidate the Public Ministry, to corner the Public Ministry, to disqualify the Public Ministry?" When questioned as to the difference between his own prior criticisms of Venezuelan criminal justice and those expressed in the editorial, Rodriguez countered that while his own criticisms were made in the spirit of institutional improvement, El Universal was attempting to discredit the Public Ministry. As further evidence of a plot, Rodriguez also linked the editorial to recent criticism of his ministry by the Commission of Andean Jurists, and the Mexican and Argentine ombudsmen.

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Prosecution: Opening A Case To Find A Crime  
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14. (C) Rodriguez announced to the press July 27 that the prosecution would open an investigation "to see if there is something that can be punished or not." The Attorney General stated that he had asked the prosecution to conclude the investigation as quickly as possible. El Universal editor Elides Rojas told the press July 28 that the Attorney General was acting under the presumption that a crime had been committed. He denied the Attorney General's allegation, stating that "The editorial merely provides context for a well-known public debate." El Universal editor Taisa Media told Embassy officials July 29 that she could not find a basis for criminal charges in the editorial. She claimed the Attorney General was trying to impress Venezuelan President Hugo Chavez by acting "more catholic than the Pope" in his fervor to attack perceived enemies.

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The Real Target Of The Attorney General?  
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15. (C) In opening the investigation against El Universal, Rodriguez accused the paper of lending its pages to the defense of prominent lawyer and member of the editorial board Juan Martin Echeverria's clients. Rodriguez declared, "It would appear that (Echeverria) is using the daily in order to defend his clients in the press and not in court." Rodriguez acknowledged that there might be some confusion as to whether the prosecution was investigating the paper or Echeverria, but he held the paper ultimately responsible for "assuming a defense that one ought to make in court." El Universal editor Rojas told the press that the Attorney General's investigation was a political attempt to discredit Echeverria and destroy his law practice. Still, El Universal editor Media told Embassy officials that the editorial board was split as to whether the paper or Echeverria was the Attorney General's prime target.

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COMMENT  
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16. (C) Whether Echeverria or El Universal is the ultimate target of the Attorney General's investigation, his attempt to essentially criminalize opinion pieces will have a chilling effect on the increasingly beleaguered Venezuelan press. Media outlets - already weighed down by a penal code that punishes dissent - are likely to intensify their efforts at self-censorship in an effort to protect themselves from further reprisals. This is an issue on which most of the world's independent media should be able to agree. It seems to be fertile territory for an op-ed.  
Brownfield